

1
2
3
4
5
6
7
8
9
10

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

11 ANTONIO LOPEZ, individually;
12 JOHANNA LOPEZ, individually; M.R.,
13 by and through his guardian ad litem,
14 April Rodriguez, individually and as
15 successor in interest to Brandon Lopez;
16 B.L. and J.L., by and through their
17 guardian ad litem Rachel Perez,
18 individually and as successor in interest
19 to Brandon Lopez; S.L., by and through
20 his guardian ad litem, Rocio Flores,
21 individually and as successor in interest
22 to Brandon Lopez,

Plaintiffs,

vs.

23 CITY OF ANAHEIM; CITY OF
24 SANTA ANA; DAVID VALENTIN;
25 JORGE CISNEROS; PAUL
26 DELGADO; BRETT HEITMAN;
27 KENNETH WEBER; CAITLIN
28 PANOV; DOES 1-10,

Defendants.

Case No. 8:22-cv-1351-JVS-ADS
[Hon. James V. Selna, Dist. Judge; Hon.
Autumn D. Spaeth, M. Judge]

**[PROPOSED] ORDER GRANTING
MOTION BY DEFENDANTS FOR
SUMMARY JUDGMENT OR
PARTIAL SUMMARY JUDGMENT**

*Filed Concurrently with Motion for
Summary Judgment or Partial Summary
Judgment; Separate Statement of
Undisputed Facts; Declaration of
Abigail J.R. McLaughlin; and Notice of
Lodging*

Date: August 12, 2024

Time: 1:30 p.m.

Crtrm.: 10C

FPTC Date: September 9, 2024
Trial Date: September 17, 2024

25 After reading and considering the papers filed in support of and in opposition
26 to the motion of Defendants CITY OF ANAHEIM, JORGE CISNEROS, PAUL
27 DELGADO, BRETT HEITMAN, KENNETH WEBER, and CATALIN PANOV
28 ("Anaheim Defendants") for summary judgment or, in the alternative, partial

1 summary judgment on Plaintiffs ANTONIO LOPEZ and JOHANNA LOPEZ's
2 ("Plaintiffs") Complaint, and good cause appearing,

3 IT IS HEREBY ORDERED THAT Defendants' motion for summary judgment
4 or, in the alternative, partial summary judgment is granted based on the following
5 grounds:

6 1. Plaintiffs' claim for relief under 42 U.S.C. § 1983 for interference with
7 familial relationships against Defendants JORGE CISNEROS, PAUL DELGADO,
8 BRETT HEITMAN, KENNETH WEBER, AND CATALIN PANOV ("Anaheim
9 Officer Defendants") lacks merit because the Anaheim Officer Defendants used
10 objectively reasonable force during the incident. Additionally, the Anaheim Officer
11 Defendants' actions during the incident at issue in this action did not shock the
12 conscience.

13 2. Plaintiffs' claim for relief for under 42 U.S.C. § 1983 for municipal
14 liability and supervisory liability for unconstitutional custom or policy against
15 Defendants CITY OF ANAHEIM and JORGE CISNEROS lacks merit because,
16 absent any constitutional violations by its deputies, there can be no *Monell* liability
17 against Defendants CITY OF ANAHEIM and JORGE CISNEROS. *See City of Los
18 Angeles v. Heller*, 475 U.S. 796, 799 (1986) (per curiam); *Scott v. Henrich*, 39 F.3d
19 912, 916 (9th Cir. 1994). Even assuming, arguendo, that Plaintiffs' and/or their
20 decedent's constitutional rights were violated, there is no evidence to establish that
21 Defendants CITY OF ANAHEIM and JORGE CISNEROS' policy, practice, or
22 custom caused a violation of Plaintiffs' civil rights. *Monell v. Dep't of Soc. Serv.*, 436
23 U.S. 658, 691 (1978).

24 3. Plaintiffs' claim for relief for under 42 U.S.C. § 1983 for municipal
25 liability and supervisory liability for ratification against Defendants CITY OF
26 ANAHEIM and JORGE CISNEROS lacks merit because, absent any constitutional
27 violations by its deputies, there can be no *Monell* liability against Defendants CITY
28 OF ANAHEIM and JORGE CISNEROS. *See City of Los Angeles v. Heller*, 475 U.S.

1 796, 799 (1986) (per curiam); *Scott v. Henrich*, 39 F.3d 912, 916 (9th Cir. 1994).
2 Even assuming, arguendo, that Plaintiffs' and/or their decedent's constitutional rights
3 were violated, there is no evidence to establish that Defendants CITY OF ANAHEIM
4 and JORGE CISNEROS ratified the Anaheim Officer Defendants' actions during the
5 incident. *Monell v. Dep't of Soc. Serv.*, 436 U.S. 658, 691 (1978).

6 4. Plaintiffs' claim for relief for under 42 U.S.C. § 1983 for municipal
7 liability and supervisory liability for failure to train against Defendants CITY OF
8 ANAHEIM and JORGE CISNEROS lacks merit because, absent any constitutional
9 violations by its deputies, there can be no *Monell* liability against Defendants CITY
10 OF ANAHEIM and JORGE CISNEROS. *See City of Los Angeles v. Heller*, 475 U.S.
11 796, 799 (1986) (per curiam); *Scott v. Henrich*, 39 F.3d 912, 916 (9th Cir. 1994).
12 Even assuming, arguendo, that Plaintiffs' and/or their decedent's constitutional rights
13 were violated, there is no evidence to establish that Defendants CITY OF ANAHEIM
14 and JORGE CISNEROS' failure to train caused a violation of Plaintiffs' civil rights.
15 *Monell v. Dep't of Soc. Serv.*, 436 U.S. 658, 691 (1978).

16 5. Plaintiff JOHANNA LOPEZ's claim for relief under California state law
17 for negligent infliction of emotional distress (bystander negligence) against the
18 Anaheim Defendants lacks merit because, at the time of the incident, Plaintiff
19 JOHANNA LOPEZ was not present at the scene of the incident and was not aware
20 that the Anaheim Officer Defendants were harming Brandon Lopez at the time of the
21 incident.

22 6. Plaintiffs' claim for punitive damages lacks merit because there is no
23 evidence the Anaheim Officer Defendants acted with malice, oppression, fraud, or
24 reckless disregard toward Plaintiffs and/or their decedent.

25 7. Pursuant to Fed. R. Civ. P. 56 and *Celotex Corp. v. Catrett*, 477 U.S.
26 317, 323 (1986), all Defendants are entitled to judgment as a matter of law on the
27 federal and state claims.

1 IT IS FURTHER ORDERED THAT:

2 Defendants' motion for summary judgment or, in the alternative, partial
3 summary judgment is GRANTED. Defendants are to prepare a proposed judgment.

4

5 DATED: _____, 2024

6

7

8

9 Hon. James V. Selna,
10 UNITED STATES DISTRICT JUDGE

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28